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ABSTRACT

Three position papers present future implications for educators concerning adherence to P.L. 95-561. "Reservation Education: A Brief Prediction" encourages the active incorporation of the law's certification components in order to augment administrative tenure and promote worth. Teachers are urged to willingly comply with new Bureau of Indian Affairs (BIA) requirements in order to protect their own security, as well as in an effort to strengthen reservation educational systems. In "Educator Certification and 561: Another Prediction," failure to upgrade educator academic programming is seen as a possible major variable in the problems facing reservation education today, and it is proposed that the new certification law must be adhered to within the predetermined timeline by educators who wish to crystalize their present-future professional direction. "Bureau Contracting: Can It Be Successful" draws attention to the schools' operating budgets (based on average student enrollment) and the problems which are inherent in adopted Bureau contracting procedures. Because enrollment traditionally decreases during the school year, the adjustment of monies can cause possible termination of personnel in order to keep the budget in alignment, therefore redress is advised to promote cohesion between the intent of P.L. 95-561 and the Bureau. (JD)

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SOME PREDICTIONS FOR RESERVATION EDUCATION

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Reservation Education: A Brief Prediction

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Reservation educators-- it has been almost a year since P.L. 95-561 has become a realization. And it already is having an impact that is rapidly changing the processes of instruction. The law is affecting all--the public school as well as the B.I.A. The educational system of today is not to be the instructional format of tomorrow, for the right to an equal and a quality education has come to reservation schools. Troublesome times are ahead because the law's intent is promoting new directions. However, the fruits that will come forth will be that the reservation student, for the first time, will receive a quality education that is in harmony with the environmental expectations. These, in turn, are to be used to prepare the student to be the leader of tomorrow and the vanguard of what is to be the Indian way.

For the administrator-- two choices are given. One is to continue to operate under the present philosophy and practices. The other is to incorporate the components of 561 into the school setting. The first is a futile effort. The struggle to keep the "old ways," although an intense effort, will accomplish nothing but removal. The active incorporation of 561's components, on the other hand, will augument administrative tenure and promote worth. These choices are presently being made by the administrator of the public school as well as by the B.I.A. for both's present practices are being questioned. In order to survive, therefore each setting must begin actively and harmoniously working with the other. If not--both will compete with the other for the student with one winning. The day that once was is gone and a Phoenix is rising. To continue in the same manner is ignorance.

Teacher movements shortly will be increasing. Few who cannot adjust to the new law, out of frustration, will leave. Others will soon see that they are marketable and go to the highest bidder. Present B.I.A. contracting procedures along with certification demands seem to be promoting this action. "Contracting," as it now stands, is facilitating teacher insecurity by obligating the teacher while not obligating the government. Furthermore, B.I.A. cerification demands will intensify school competition. Soon, the certified teacher is going to realize that he can go either to the public school or to the B.I.A. school and will lean toward the one who pays the most or offers the most security. The first time that a Bureau school exercises their right to terminate a teacher, due to lack of funds, will signal the beginning of teacher movements. And this, in turn will stimulate the school who is the highest bidder to be the one who hires the certified teacher.

The student, for a short time, is going to receive an inadequate education. Due to the new law, the above-mentioned reactions will occur, causing instruction to be reduced. However, as the law continues to unfold and affect the reservation educational institutions, inferior programming, teaching and administrating will no longer be tolerated and be removed. Conversely, equal and quality programming will be rewarded by having high attendance and, therefore, enough working capital. Teachers who are certified and who are looking for stability will be hired with the ones who best fit the wanted outcomes kept. Moreover, the administrator who activates programming in accordance to wanted needs will show worth through the qualitative instruction and personnel. Student attendance will remain high, indicating that instruction is meeting their needs and the leaders of tomorrow will be prepared today.

P.L. 95-561 is here to stay. It brings with it a new hope and quality education for the reservation student. Although it has only been into effect less than a year, changes are being seen. Troublesome times are ahead--for the rservation school of today will not be the one of tomorrow. The law was written for the B.I.A., but its impact is being felt by all reservation schools. Resistance is to increase as implementation of the law continues, but these efforts are to be in vain. The administrator or teacher who does not realize this will soon face the choice of removal or compliance. Present policies and practices will promote teacher movements to the highest bidder and, in turn, question administrator worth. All, however, will promote the intent of the law and will provide instruction that better meets the student's needs.

Yes, educators, the law is here and is promoting your insecurities. A year has not passed and look at its impact. Your choices are few. Which avenue will you take?

Educator Certification and 561:

Another Prediction

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P.L. 95-561 has indicated that all B.I.A. personnel must be certified by the state in which they are geographically located. The interesting part of the edict is that teachers, as well as administrators must actively seek state certification within the predetermined timeline. The intent of this component of 561 seems to be the augmentation of instruction and administration through the academic processes necessary for certification. The underlying reason for wanting certification is that many of the B.I.A. personnel are presently not adequately academically prepared for their present instructional classification and may be a major variable in the problems facing reservation education today.

Many B.I.A. educators tend to feel that their present positions are secure because they will be "grandfathered" in. But indications are that this concept is in reality open for clarification. And clarification will come either from the courts or the Justice Department. Thus, some, out of false security, may continue to operate under this possible invalid assumption and may be terminated when redress occurs. If all who do not choose the way that is intended under 561, the years of service will be for naught.

The wise and future thinking B.I.A. educator needs to aggressively upgrade their academic programming, for it will be a fruitful endeavor. Historically, reservation practitioners have been in a shortage. Due to numerous variables, some tend to last only about three to five years. This, coupled with the high probability that as 561 continues to unfold, others are not going to adjust philosophically and will leave Indian education. Compounding all is the increasement of competition between all reservation educational institutions. Thus--the educator who holds the proper certification is to be the one who will be able to choose the reservation environment that best meets his expectations.

Because of the present unstable practices existing in the Bureau's instructional programming, practitioners need to actively crystalize their present-future professional direction. The most worthwhile avenue may be

desires to stay on the reservation. The certified person's future is bright while for others it is not. All who educate the Indian child is to be affected with those who are wise accomplishing what is intended in 561. Certification, therefore, is the only avenue for those who desire to stay.

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BUREAU CONTRACTING: CAN IT BE SUCCESSFUL

DR. CARL G. FOSTER

The present Bureau educator contracting practices are doomed for failure. Failure is to occur because the now being used personnel guidelines are out of compliance with the intent of P.L. 561. The present contracting problems, such as nonpayment of salaries or reduction in classification, are early indicators that the adopted Bureau contracting procedures are inadequate. Soon contracted Bureau employees may facilitate the courts for redress and may use the breach of contract argument for clarification and/or compensation. Whatever the outcome, Bureau educator morale has been affected with continued worth of contracting questioned. And because of this educator physiological state, instruction may be further reduced with quality programming proving to be reduced.

Under P.L. 95-561, Bureau Schools are to receive their monies based upon student enrollment which is measured by a predetermined formula. Monies are to be adjusted in accordance to the average number of students enrolled during that measured time. Historically, student attendance is high throughout the first part of the academic year, but drastically drops the latter part of the year. Because of this, operation monies are adjusted to the present student population of the school. For the contractual employee, this adjustment of monies is the reason for the contractual clause that obligates the employee, for the academic year, but does not bind the Bureau. If the historical student attendance holds true, school monies are to be adjusted in relation to the measured enrollment, and personnel will have to be terminated to keep the budget in alignment, for no school can spend more than they have. Consequently, contractual employees may be removed at any time during the academic year to keep the school operating in the black.

As discussed above, schools receive their funding for operation on the number of students. Yet salary schedules for the contractual employee have been established without consideration being given to the budgeting confinements of the schools. Contracts are entered into with no previous "track record" of a school's finances taken into account as to the availability for payment. Further, little regard is being given to affect of the Civil Service employee has on the instructional setting's capabilities for budgeting. Each of these practices seem, therefore, to be in conflict with the other and out of alignment with P.L. 95-561's funding guidelines for the school. As both now exist, neither may be workable, for each one's worth must be measured in accordance to the working capital of the school.

In order for Bureau personnel contracting to work, it must be solely based on the school's operating budget. Therefore, school administration and Boards have to undertake the task of entering into contracts with employees, for only they are totally able to comprehend their needs and financial obligations. The "Area" and/or the "Agency" does not have the present capabilities to accurately draw conclusions as to the school's personnel needs and, therefore, must relinguish this obligation to the local setting. Moreover, Civil Service policies, which directly affect the school's personnel activities, must be redressed to promote cohesion between the intent of P.L. 95-561 and the Bureau. Present budget formulas dictate the programming of the school and establishes the fiscal confinement which determines the school's direction. To introduce procedures, such as contracting, that does not adhere to the school's present plight is foolish, for all that will be accomplished is conflict with failure being.